

SECOND REGULAR SESSION

SENATE BILL NO. 731

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CAUTHORN.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3540S.011

AN ACT

To repeal sections 476.083 and 571.090, RSMo, and to enact in lieu thereof one new section relating to concealable firearm permits.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 476.083 and 571.090, RSMo, are repealed and one new
2 section enacted in lieu thereof, to be known as section 476.083, to read as follows:

476.083. 1. In addition to any appointments made pursuant to section
2 485.010, RSMo, the presiding judge of each circuit containing one or more
3 facilities operated by the department of corrections with an average total inmate
4 population in all such facilities in the circuit over the previous two years of more
5 than two thousand five hundred inmates may appoint a circuit court marshal to
6 aid the presiding judge in the administration of the judicial business of the circuit
7 by overseeing the physical security of the courthouse, serving court-generated
8 papers and orders, and assisting the judges of the circuit as the presiding judge
9 determines appropriate. Such circuit court marshal appointed pursuant to the
10 provisions of this section shall serve at the pleasure of the presiding judge. The
11 circuit court marshal authorized by this section is in addition to staff support
12 from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks,
13 and any other staff personnel which may otherwise be provided by law.

14 2. The salary of a circuit court marshal shall be established by the
15 presiding judge of the circuit within funds made available for that purpose, but
16 such salary shall not exceed ninety percent of the salary of the highest paid
17 sheriff serving a county wholly or partially within that circuit. Personnel
18 authorized by this section shall be paid from state funds or federal grant moneys
19 which are available for that purpose and not from county funds.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 3. Any person appointed as a circuit court marshal pursuant to this
21 section shall have at least five years' prior experience as a law enforcement
22 officer. In addition, any such person shall within one year after appointment, or
23 as soon as practicable, attend a court security school or training program
24 operated by the United States Marshal Service. In addition to all other powers
25 and duties prescribed in this section, a circuit court marshal may:

26 (1) Serve process;

27 (2) Wear a concealable firearm[, pursuant to a permit granted under
28 section 571.090, RSMo]; and

29 (3) Make an arrest based upon local court rules and state law, and as
30 directed by the presiding judge of the circuit.

 [571.090. 1. A permit to acquire a concealable firearm shall
2 be issued by the sheriff of the county in which the applicant
3 resides, if all of the statements in the application are true, and the
4 applicant:

5 (1) Is at least twenty-one years of age, a citizen of the
6 United States and has resided in this state for at least six months;

7 (2) Has not pled guilty to or been convicted of a crime
8 punishable by imprisonment for a term exceeding one year under
9 the laws of any state or of the United States other than a crime
10 classified as a misdemeanor under the laws of any state and
11 punishable by a term of imprisonment of two years or less that
12 does not involve an explosive weapon, firearm, firearm silencer or
13 gas gun;

14 (3) Is not a fugitive from justice or currently charged in an
15 information or indictment with the commission of a crime
16 punishable by imprisonment for a term exceeding one year under
17 the laws of any state or of the United States other than a crime
18 classified as a misdemeanor under the laws of any state and
19 punishable by a term of imprisonment of two years or less that
20 does not involve an explosive weapon, firearm, firearm silencer or
21 gas gun;

22 (4) Has not been discharged under dishonorable conditions
23 from the United States armed forces;

24 (5) Is not publicly known to be habitually in an intoxicated
25 or drugged condition; and

26 (6) Is not currently adjudged mentally incompetent and has
27 not been committed to a mental health facility, as defined in
28 section 632.005, RSMo, or a similar institution located in another
29 state.

30 2. Applications shall be made to the sheriff of the county in
31 which the applicant resides. An application shall be filed in
32 writing, signed and verified by the applicant, and shall state only
33 the following: the name, Social Security number, occupation, age,
34 height, color of eyes and hair, residence and business addresses of
35 the applicant, the reason for desiring the permit, and whether the
36 applicant complies with each of the requirements specified in
37 subsection 1 of this section.

38 3. Before a permit is issued, the sheriff shall make only
39 such inquiries as he deems necessary into the accuracy of the
40 statements made in the application. The sheriff may require that
41 the applicant display a Missouri operator's license or other suitable
42 identification. The sheriff shall issue the permit within a period
43 not to exceed seven days after submission of the properly completed
44 application excluding Saturdays, Sundays or legal holidays. The
45 sheriff may refuse to issue the permit if he determines that any of
46 the requirements specified in subsection 1 of this section have not
47 been met, or if he has reason to believe that the applicant has
48 rendered a false statement regarding any of the provisions in
49 subsection 1 of this section. If the application is approved, the
50 sheriff shall issue a permit and a copy thereof to the applicant.

51 4. The permit shall recite the date of issuance, that it is
52 invalid after thirty days, the name and address of the person to
53 whom granted, the nature of the transaction, and a physical
54 description of the applicant. The applicant shall sign the permit
55 in the presence of the sheriff.

56 5. If the permit is used, the person who receives the permit
57 from the applicant shall return it to the sheriff within thirty days
58 after its expiration, with a notation thereon showing the date and
59 manner of disposition of the firearm and a description of the
60 firearm including the make, model and serial number. The sheriff
61 shall keep a record of all applications for permits, his action

62 thereon, and shall preserve all returned permits.

63 6. No person shall in any manner transfer, alter or change
64 a permit, or make a false notation thereon, or obtain a permit upon
65 any false representation, or use, or attempt to use a permit issued
66 to another.

67 7. For the processing of the permit, the sheriff in each
68 county and the city of St. Louis shall charge a fee not to exceed ten
69 dollars which shall be paid into the treasury of the county or city
70 to the credit of the general revenue fund.

71 8. In any case when the sheriff refuses to issue or to act on
72 an application for a permit, such refusal shall be in writing setting
73 forth the reasons for such refusal. Such written refusal shall
74 explain the denied applicant's right to appeal and, with a copy of
75 the completed application, shall be given to the denied applicant
76 within a period not to exceed seven days after submission of the
77 properly completed application excluding Saturdays, Sundays or
78 legal holidays. The denied applicant shall have the right to appeal
79 the denial within ten days of receiving written notice of the
80 denial. Such appeals shall be heard in small claims court as
81 defined in section 482.300, RSMo, and the provisions of sections
82 482.300, 482.310 and 482.335, RSMo, shall apply to such appeals.

83 9. A denial of or refusal to act on an application for permit
84 may be appealed by filing with the clerk of the small claims court
85 a copy of the sheriff's written refusal and a form substantially
86 similar to the appeal form provided in this section. Appeal forms
87 shall be provided by the clerk of the small claims court free of
88 charge to any person:

89 SMALL CLAIMS COURT

90 In the Circuit Court of Missouri

91 Case Number

92, Denied Applicant)

93)

94 vs.)

95)

96, Sheriff)

97 Return Date

